



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,726	03/23/2001	John Kroeker	ELZK-004	8193

7590

10/21/2003

Toby H. Kusmer  
McDermott, Will & Emery  
28 State Street  
Boston, MA 02109

EXAMINER
----------

SIDDIQI, MOHAMMAD A

ART UNIT	PAPER NUMBER
----------	--------------

2126

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/815,726

Applicant(s)

KROEKER ET AL.

Examiner

Mohammad A Siddiqi

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 23 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

1. Claims 1-18 are presented for examination.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1,2,4-9, 11,14,17, and 18, are rejected under 35 U.S.C. 102(e) as being anticipated by Brown et al. (6587822) (hereinafter Brown).

4. As per claims 1, 11, and 18, Brown discloses a speech application system (Figure 2, element 122, col 4, lines 31-41), comprising:

A. a speech recognition (SR) system (Figure 2, element 122, col 4, lines 31-41) configured to receive an audio input (figure 1, element 108, col 2, lines 663-64) and generate a set of semantic data (col 13, lines 30-36) representing a plurality of valid interpretations of said audio input (col 13, lines 19-35);

B. a speech application script (col 13, lines 19-25), loaded at the SR system and configured to task said SR system script (col 13, lines 19-25), said application script defining a context (col 13, lines 19-25);

C. a semantic data evaluator (col 13, lines 19-35), configured to receive said set of semantic data and said context and (col 13, lines 19-35), as a function thereof, to generate a linguistic result corresponding to said audio input (see abstract, col 11, lines 60 -66), and to return said linguistic result to said application script (col 13, lines 19-35); and

D. a set of reusable object oriented interfaces (figure 2) local to the SR system (Figure 2, element 122, col 4, lines 31-41), said interfaces configured to interface said application script (col 2, lines 14-19) with said SR system (Figure 2, element 122, col 4, lines 31-41).

5. As per claim 2, Brown discloses one or more of said application script is included in a Web page (col 14, lines 13-21).

6. As per claim 4, Brown discloses an application script includes programming code written in a language chosen from a group of scripting languages comprising (1) Jscript; (2) PerlScript; and (3) Vbscript (col 14, lines 1-14, it is inherent, Javascript, Jscript, PerlScript, and Vbscript are

commonly known scripting language used in web development).

7. As per claim 5, Brown discloses the set of semantic data is represented as a semantic tree instance (col 13, lines 30-35).

8. As per claim 6, Brown discloses the semantic data is represented in a semantic object (col 13, lines 19-35).

9. As per claim 7, Brown discloses audio the input is received from a device chosen from a group comprising (figure 1, element 108, col 2, lines 61-67):

- A. a telephone (figure 1, element 106-1, col 2, lines 61-67);
- B. a cellular telephone (figure 1, element 106-1, col 2, lines 61-67);
- C. a personal computer (figure 1, element 106, col 2, lines 61-67);
- D. an application server (figure 1, element 106-N, col 2, lines 61-67); and
- E. an audio receiver (figure 2, element 108, col 2, lines 61-67).

10. As per claim 8, Brown discloses an audio input is received via a network comprised of one or more wire or wireless networks from a group (figure 1, element 108, col 2, lines 61-67) comprising:

- A. a telephone network (figure 1, element 106-1, col 2, lines 61-67, col 3, lines 1-21);
- B. a cellular telephone network (figure 1, element 106-1, col 2, lines 61-67, col 3, lines 1-21);
- C. a LAN network (figure 1, element 106-1, col 2, lines 61-67, col 3, lines 1-21);
- D. a WAN network (figure 1, element 106-1, col 2, lines 61-67, col 3, lines 1-21);
- E. a virtual private network (figure 1, element 106-1, col 2, lines 61-67, col 3, lines 1-21);
- F. the Internet network (figure 1, element 106-1, col 2, lines 61-67); and
- G. the Web network (figure 1, element 106-1, col 2, lines 61-67).

11. As per claim 9, Brown discloses valid interpretations of said audio input includes all valid interpretations of said audio input within said context (col 13, lines 18-36).

12. As per claims 14 and 17, Brown discloses a speech application script included within a Web page (col 14, lines 13-18), and configured to interact with a SR system (figure 2, element 122) hosted on a first computer and configured to receive (col 4, lines 14-30) an audio input (figure 2, element

108, col 3, lines 23-29) and to generate one or more semantic objects (col 13, lines 30-36) representing a plurality of valid interpretations of said audio input (col 13, lines 19-21), said first computer also including a plurality of interfaces objects and a semantic object evaluator configured to generate from said one or more semantic objects a single interpretation of said audio input as a function of a context(col 13, lines 19-36), said speech application script comprising:

- A. a context definition (col 13, lines 16-17);
- B. a link to said semantic object evaluator (col 13, lines 30-36);
- C. a link to said SR system (figure 2, element 122), via a semantic interface object (figure 2, element 120), from said plurality of interface objects (col 13, lines 30-36);
- D. a set of control functionality comprising:
  - (1) a session manager configured to generate user prompts and to determine a next action as a function of said single interpretation (col 14, lines 13-21);
  - (2) a SR system controller (col 14, lines 1-13), configured to task said SR system (col 2, lines 24-52); and
  - (3) a communication manager (col 14, lines 1-13), configured to manage interaction with said input device (figure 2, element 108) via said SR system (figure 2, element 122), wherein said speech application script (figure 2,

element 110,112 is loaded on said first computer from a second computer (col 4, lines 31-46) and said speech application is configured to conduct speech application sessions without accessing said second computer (col 14, lines 1-13).

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

14. Claims 3, 10, 12, 13, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (6587822) (hereinafter Brown) in view of Mikurak et al. (6606744) (hereinafter Mikurak)

15. As per claims 3, 13, and 15, Brown discloses interfaces are objects (col 14, lines 1 -14).

Brown fails to explicitly teach interfaces are object exposed via ActiveX facilities. However, Mikurak discloses teach interfaces are object exposed via ActiveX facilities ( col 15, lines 21-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to



use ActiveX component in web pages because ActiveX components create and manage interactive multimedia at the Web site on Microsoft platform and can be easily integrated with SQL Server or other Microsoft products).

16. As per claims 10,12, and 16, Brown discloses the speech application is chosen from a group of interactive speech applications (col 18, lines 21-27) comprising:

Brown fails to expressly teach the applications is chosen from a group of applications:

- A. consumer survey applications;
- B. Web access applications;
- C. educational applications, including health education applications and computer-based lesson applications and testing applications;
- D. screening applications, including patient screening applications and consumer screening applications;
- E. health risk assessment applications;
- F. monitoring applications, including health data monitoring applications and consumer preference monitoring applications;
- G. compliance applications, including applications that generate notifications of compliance related activities, including notifications regarding health or product maintenance;

H. test results applications, including applications that provide at least one of lab test results, standardized tests results, consumer product test results, and maintenance results; and

I. linking applications, including applications that link two or more of the applications in parts A through H.

However, Mikurak discloses the applications is chosen from a group of applications:

A. consumer survey applications (col 131, lines 5-15);

B. Web access applications (col 38, lines 7 -38);

C. educational applications, including health education applications and computer-based lesson applications and testing applications (col 38, lines 7 -38);

D. screening applications, including patient screening applications and consumer screening applications (col 150, lines 20-49);

E. health risk assessment applications (col 150, lines 20-49);

F. monitoring applications, including heath data monitoring applications and consumer preference monitoring applications (col 150, lines 20-49);

G. compliance applications, including applications that generate notifications of compliance related activities, including notifications regarding health or product maintenance (col 150, lines 20-49);

H. test results applications, including applications that provide at least one of lab test results, standardized tests results, consumer product test results, and maintenance results (col 150, lines 20-49); and

I. linking applications, including applications that link two or more of the applications in parts A through H (col 38, lines 7 -38).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to build a system where users can get information via multiple channels such as IVR, electronic mail, and FAQ (Frequently Asked Questions) published on website.

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- U.S. Patent 6401085 to Gershman et al.
- U.S. Patent 6167253 to Farris et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A Siddiqi whose telephone number is (703) 305-0353. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703) 305-

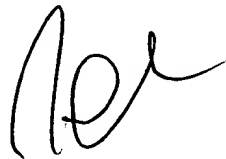
Application/Control Number: 09/815,726  
Art Unit: 2126

Page 11

8498. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

MAS

A handwritten signature in black ink, appearing to read 'JF', is positioned above the printed name and title.

**JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100**